

Gordon (U.S. Patent No. 1,976,847). The Office Action also rejects claims 33-36 under 35 U.S.C. § 103(a) as being unpatentable over Friesen in view of Reede and Gordon and in further view of the "Engineering Design Guide." Applicants respectfully traverse these rejections.

A. Statement of Common Ownership

The present application and U.S. Patent No. 6,255,593 to Reede were, at the time the invention of the present application was made, commonly owned by Cable Design Technologies, Inc. The present application was assigned to Cable Design Technologies, Inc. by an assignment recorded with the U.S. PTO at reel number 011809, frame number 0222, on May 11, 2001.

Reede is prior art to the present application only under 35 U.S.C. § 102(e), and therefore, due to the common ownership, Reede is unavailable as a prior art reference to the present application under 35 U.S.C. § 103. Withdrawal of the rejection of claims 30-36 in view of the asserted combination of references, including Reede, is therefore respectfully requested.

B. Applicants' claims patentably distinguish over the combination of Friesen, Reede and Gordon asserted in the Office Action

Assuming arguendo that Reede is available as a prior art reference against the present application, which it is not, the Applicants also traverse the rejection as discussed below. The combination of Friesen, Reede and Gordon suggested in the Office Action is improper. However, assuming arguendo that the suggested combination were proper, claims 30-36 patentably distinguish over the combination.

As discussed in Applicants' response of July 3, 2002, Friesen discloses a communication cable that includes a selected metallic conductors having different diameters. According to Friesen, given a first conductor pair having a certain conductor diameter and twist length, and at least one other conductor pair with a different twist length, the metallic conductors of the at least one other conductor pair are purposely selected with a different diameter from that of the first conductor pair, so as to ensure that the insertion loss exhibited by the additional conductor pair is essentially equal to the insertion loss exhibited by the first conductor pair (col. 4, lines 42-54).

Reede discloses a device and a method for adjusting coupling reactances between twisted pairs of a cable in an external region of the cable (i.e., outside the cable jacket). Referring to FIG. 1, Reede discloses a cable 102 that has a de-twisted region 108 where the twisted pairs 104

exit from the cable jacket and transition from a twisted configuration to an untwisted configuration suitable for mating with a piece of mating hardware (col. 5, lines 35-39).

According to Reede, an isolation element 110 is configured within the de-twisted region 108 (col. 5, lines 45-47). The isolation element serves to control coupling between adjacent pairs (3, lines 24-26). Reede also discloses another embodiment, illustrated in FIG. 7, where twisted pairs exit a cable 702 at cable exit 708 and enter twisted region 704 adjacent to and external to the cable 702. Within the twisted region 704, the twisted pairs are separated from each other and arranged about an isolation element 718 (col. 9, lines 1-6).

Thus, if one were to combine Friesen and Reede, as suggested in the Office Action, the result would be a cable comprising two twisted pairs of conductors having different diameters (as disclosed by Friesen) and an isolation element located in a region, external to the cable. By contrast, Applicants' independent claim 30 recites, *inter alia*, a cable comprising a "configurable dielectric pair being substantially flat," and "arranged within the jacket to form at least two grooves." As discussed above, the isolation element disclosed by Reede is not located within the jacket, as claimed in Applicants' independent claim 30, but rather is located in a region "adjacent to and external to" the cable and separates pairs that have exited from the cable. Furthermore, in asserting that Reede discloses a "configurable dielectric separator that is substantially flat," the Office Action using language from Applicants' claim to improperly broaden the scope of the prior art. Reede makes absolutely no mention of the isolation element being configurable as is recited in Applicants' claim 30, nor does Reede disclose that the isolation element is "substantially flat," as is also recited in Applicants' claim 30. By contrast, Reede's isolation element as illustrated in FIGS. 2, 4, 6 and 9-11 is not substantially flat, but rather has a defined shape including a number of channels, and there is no indication that the isolation element may be "configurable."

Similarly, Applicants' independent claim 34 recites, *inter alia*, a "configurable dielectric pair separator including a substantially flat dielectric tape formed of a foamed polymer." As discussed above, Reede is completely silent with respect to configurability of the isolation element, and does not disclose the isolation element to be "a substantially flat dielectric tape," as is recited in Applicants' claim 34.

As discussed in Applicants' previous response (mailed July 2, 2002) Gordon fails to cure all the deficiencies of Friesen and Reede, and thus, assuming *arguendo* that the combination of

Gordon with Friesen and Reede suggested in the Office Action is proper, which it is not, Applicants' independent claims 30-36 patentably distinguish over the asserted combination for the reasons stated above. The same is true for the "Engineering Design Guide."

Therefore, for at least these reasons, Applicants' independent claims 30 and 34 are in condition for allowance. Applicants' dependent claims 31-33, 35 and 36 depend from one of the independent claims 30 and 34 discussed above, and therefore are allowable for at least the same reasons discussed for the independent claims. Accordingly, withdrawal of the rejections of claims 30-36 is respectfully requested.

2. Conclusion

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension of time fee, that is not covered by an enclosed check, please charge any deficiency to deposit account No. 23/2825.

Respectfully submitted,

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